

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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January 31, 2022

**VIA ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: *United States v. Michael Barreto*, 19 Cr. 909 (KPF)**

Honorable Judge Failla:

We write with the consent of the Government to respectfully request a 30-day extension of the currently scheduled deadlines in the above-captioned matter. As we have previously noted, see ECF No. 40, 43, and as is reflected in the confidential report of Dr. Cheryl Paradis that was previously submitted to the Court, this matter presents unique challenges for the parties in reaching an agreed-upon disposition. Frequent COVID-19-related closures and quarantines at the Metropolitan Detention Center present additional hurdles. The parties remain engaged in active plea negotiations—which have progressed and expanded to include additional members of the United States Attorney’s Office—and would benefit from additional time to discuss the terms of an agreement.

We respectfully request that the time between April 21, 2022 and the next court date be excluded under the Speedy Trial Act, pursuant to Title 18, United States Code, section 3161(h)(7)(A). Excluding time will serve the ends of justice and outweigh the best interests of the public and the defendant in a speedy trial, because it will allow the parties to continue to engage in discussions regarding a possible disposition in the matter.

Respectfully submitted,

/s/

Ariel Werner  
Christopher Flood  
Neil P. Kelly  
Assistant Federal Defenders

cc: AUSA Kedar Bhatia  
AUSA Brandon Harper

The Court hereby GRANTS the parties' request for a 30-day adjournment of the pretrial motions schedule. The parties shall adhere to the following briefing schedule: Defendant's opening brief is due April 5, 2022; the Government's opposition is due April 26, 2022; and Defendant's reply is due May 5, 2022.

Further, the motion hearing scheduled for April 21, 2022 is hereby ADJOURNED to May 24, 2022, at 3:30 p.m.

Moreover, it is ORDERED that time be excluded under the Speedy Trial Act between April 21, 2022, and May 24, 2022. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial because it will permit the parties to engage in discussions regarding a potential pretrial disposition.

Finally, the Clerk of Court is directed to terminate the pending motion at docket number 45.

Dated: January 31, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE